

Notice of Allowability

Application No.

10/763,361

Examiner

Richale L. Haney

Applicant(s)

HUSSEY, PATRICK P.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone conference on 10/10/2006.
2. ☒ The allowed claim(s) is/are 15-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/12/2006.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laura Cruz on 10/12/2006.

The application has been amended as follows:

Cancel claims 1 – 14

Add new claims 15 – 23

15. (New) A sport goggle for wearing on the face of a user having an improved air venting system to enhance air flow through the goggle, comprising:

- a goggle body having an exterior surface and an interior surface and having a lens aperture surrounded by a top wall, a bottom wall, and two sidewalls;

- a lens mounted in said lens aperture;

- an eye cavity defined by the area between said interior surface, said lens, said top wall, said bottom wall, and said two sidewalls;

- at least one side venting aperture communicating through one of said sidewalls of said goggle body with said eye cavity;

- at least one clip, said clip having a leading edge and a trailing edge connected by a pair of side edges, an interior clip surface, and an exterior clip surface;

a clip aperture communicating through said clip between said interior surface and said exterior surface;

means of attachment of said clip to one of said two sidewalls;

said exterior surface of said clip between said clip aperture and said leading edge dimensioned to create a low air pressure area immediately adjacent to said clip aperture when moving air travels over said leading edge, whereby air flow exhausting from said eye cavity through side venting aperture is enhanced by the force of said low pressure area acting to draw higher pressure air from said eye cavity through said side venting aperture; and

wherein the means of attachment of said clip to said sidewall is a rotational engagement of said clip to said sidewall; and said rotational engagement engaging said clip to said sidewall at an attachment point wherein said trailing edge is translatable between a retracted position closest to said sidewall to an extended position, distanced from said sidewall, when said clip is rotated in said rotational engagement.

16. (New) The sport goggle as defined in claim 15 wherein said attachment point is adjacent to said leading edge thereby maintaining said leading edge substantially adjacent to said sidewall when said trailing edge moves between said retracted position and said extended position.

17. (New) A sport goggle for wearing on the face of a user having an improved air venting system to enhance air flow through the goggle, comprising:

a goggle body having an exterior surface and an interior surface and having a lens aperture surrounded by a top wall, a bottom wall, and two sidewalls;

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a lens mounted in said lens aperture;

an eye cavity defined by the area between said interior surface, said lens, said top wall, said bottom wall, and said two sidewalls;

at least one intake aperture communicating through said lens or said goggle body with said eye cavity;

at least one side venting aperture communicating through one of said sidewalls of said goggle body with said eye cavity;

at least one clip, said clip having a leading edge and a trailing edge connected by a pair of side edges, an interior clip surface, and an exterior clip surface;

a clip aperture communicating through said clip between said interior surface and said exterior surface;

means of attachment of said clip to one of said two sidewalls;

said exterior surface of said clip between said clip aperture and said leading edge dimensioned to create a low air pressure area immediately adjacent to said clip aperture when moving air travels over said leading edge, whereby air flow exhausting from said eye cavity through said venting aperture is enhanced by the force of said low pressure area acting to draw higher pressure air from said eye cavity through said venting aperture;

wherein the means of attachment of said clip to said sidewall renders said clip removably engageable to said sidewall; and

means for attachment of a strap to said trailing edge.

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18. (New) The sport goggle as defined in claim 15 further comprising means for attachment of a strap to said trailing edge.

19. (New) The sport goggle as defined in claim 16 further comprising means for attachment of a strap to said trailing edge.

20. (New) The sport goggle as defined in claim 15 wherein said rotational engagement of said clip to said sidewall comprises a hinged engagement of said clip to said sidewall.

21. (New) The sport goggle as defined in claim 16 wherein said rotational engagement of said clip to said sidewall comprises a hinged engagement of said clip to said sidewall.

22. (New) The sport goggle as defined in claim 20 wherein said hinged engagement of said clip to said sidewall engages said interior surface of said clip to said sidewall thereby minimizing airflow interruption over said exterior surface of said clip.

23. (New) The sport goggle as defined in claim 21 wherein said hinged engagement of said clip to said sidewall engages said interior surface of said clip to said sidewall thereby minimizing airflow interruption over said exterior surface of said clip.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richale L. Haney whose telephone number is 571-272-8689. The examiner can normally be reached on M-F 8:00 - 4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richale L Haney
Examiner
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RLH
10/11/2006


KATHERINE MORAN
PRIMARY EXAMINER

10/13/06